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11 *Attorneys for Plaintiffs and the Proposed Class*

12 THE UNITED STATES DISTRICT COURT  
13 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
14 SAN FRANCISCO DIVISION  
15

16 MEREDITH CALLAHAN and LAWRENCE  
17 GEOFFREY ABRAHAM, individually and on  
behalf of all others similarly situated,

18 Plaintiffs,  
19

20 vs.

21 PEOPLECONNECT, INC., a Delaware  
22 Corporation,

23 Defendant.  
24  
25  
26  
27  
28

Case No.: 3:20-cv-09203-EMC

**PLAINTIFFS' UNOPPOSED MOTION TO  
STAY PENDING RESOLUTION OF  
APPEAL**

Complaint Filed: Dec. 18, 2020

1 Plaintiffs respectfully move to stay this case pending Defendant PeopleConnect's appeal  
2 to the Ninth Circuit of this Court's denial of PeopleConnect's motion to compel arbitration. *See*  
3 ECF No. 40 (Order denying motion to compel arbitration); *Callahan v. PeopleConnect, Inc.*, No.  
4 21-16040 (9th Cir.).

5 As the Court knows, PeopleConnect moved to dismiss this case on grounds Plaintiffs  
6 were bound to arbitrate their claims. ECF No. 26. The Court denied PeopleConnect's motion to  
7 compel arbitration. ECF No. 40. PeopleConnect appealed this Court's denial and moved to stay  
8 these proceedings pending its appeal. ECF No. 49. This Court denied PeopleConnect's motion to  
9 stay. ECF 76. PeopleConnect then asked the Ninth Circuit to stay these proceedings pending its  
10 appeal. No. 21-16040, dkt. no. 18-1 (9th Cir. filed Nov. 17, 2021). The Ninth Circuit denied its  
11 request. *Id.*, dkt. no 28 (9th Cir. Dec. 9, 2021).

12 On December 13, 2021, PeopleConnect filed a stay application and a petition for  
13 certiorari to the Supreme Court seeking to resolve a circuit split on the issue of whether the  
14 appeal of a non-frivolous motion to compel arbitration should result in an automatic stay of the  
15 district court action. *See PeopleConnect, Inc. v. Knapke*, No. 21A230 (S. Ct. filed Dec. 13,  
16 2021). Plaintiffs do not believe this case implicates any circuit split because, among other things,  
17 PeopleConnect's motion to compel arbitration is frivolous, and therefore an automatic stay  
18 would not have been granted under any circuit's law. Nevertheless, to preserve judicial resources  
19 and those of the parties, Plaintiffs have agreed to the stay PeopleConnect seeks, and consent to  
20 stay these proceedings during the pendency of PeopleConnect's appeal to the Ninth Circuit. If  
21 the Court grants the stay, Plaintiffs anticipate moving to lift the stay promptly once the Ninth  
22 Circuit decides PeopleConnect's appeal.

23 Plaintiffs' counsel conferred with PeopleConnect's counsel on December 19, 2021.  
24 PeopleConnect's counsel said they would not oppose this motion.

25 For the above-stated reasons, Plaintiffs respectfully request the Court enter an Order  
26 staying the case pending resolution of PeopleConnect's appeal to the Ninth Circuit of this  
27 Court's denial of its motion to compel arbitration.

1 Dated: December 19, 2021

By: /s/ Benjamin R. Osborn

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**[PROPOSED] ORDER.**

The Court hereby GRANTS Plaintiffs' unopposed motion and stays this case pending resolution of PeopleConnect's appeal to the Ninth Circuit of this Court's denial of its motion to compel arbitration.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Hon. Edward M. Chen  
United States District Judge